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July 18, 2018

VIA ELECTRONIC FILING

Honorable Jocelyn G. Boyd
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Consolidated Docket Nos. 2017-207-E, 2017-305-E and 2017-370-E.

Dear Ms. Boyd:

On behalf of intervenors Central Electric Power Cooperative, Inc. ("Central") and The Electric Cooperatives of South Carolina Inc. ("ECSC"), and in response to Hearing Officer Directive 2018-91-H, I am writing to support the request by the Office of Regulatory Staff ("ORS") for permission to take depositions and to use those depositions in the referenced proceedings. The Commission's rules allow for taking depositions when such a request is found to be "meritorious." See S.C. Code Ann. Regs. 103-834. The complexity of the issues that must be addressed by the parties and the Commission in these proceedings provide a compelling basis for a determination that the request to take depositions is meritorious. While it is unusual that the request does not specify times and places for specific depositions, that is a product of the breadth of the issues involved and is not a reason to preclude depositions from being taken. We believe that ongoing involvement of Commission Hearing Officers can address any specific issues that arise regarding the scheduling of depositions.

Central and ECSC also support the request by the ORS to be allowed to use depositions in the hearing in these proceedings as allowed by Rule 32 SCRPC and the various rules of evidence cited by the ORS motion. There are well developed legal requirements that apply to the use of depositions in trials or hearings, even if the depositions were initially taken in other proceedings. We believe that if the ORS or other parties can meet the legal requirements for using depositions at the hearing in these proceedings, then the depositions should be allowed for any appropriate purpose.



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Thank you for considering our views on the pending motions.

Yours truly,

Frank R. Ellerbe, III

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cc: Parties of Record (via email)